

NOTE

The following article dates from the time of the last war. However, most of what it says about the NKVD at that time applies as well to the MVD at the present day. In addition, it treats several unchanging principles of all espionage and counter-espionage, so that the article has lasting value.

ПРИМЕЧАНИЕ

Следующая статья возникла во время прошлой войны. Впрочем, большая часть того, что здесь сказано о НКВД в то время, относится также к МВД в настоящее время. К тому же, статья описывает различные постоянные основные принципы разведки и контрразведки вообще, так что она имеет неизменную ценность.



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TRANSLATION

Number 53

12 Mar 1947

Prepared By

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CENTRAL INTELLIGENCE GROUP

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NKVD OPERATIONAL METHODS

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S U M M A R Y O F C O N T E N T S

NKVD Operational Methods

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This is a complete translation of a 33-page typewritten lecture digest designed "to acquaint the audience with the organization and methods of work of the counterespionage organs of NKVD of the USSR" by one Avilov, instructor. Authority, place and date remain unknown, but the text would indicate that it was written in 1942.

The introduction presents the problem of espionage versus counterespionage and briefly states the historical background of NKVD. The main body of the lecture continues with a discussion of the organization and operation of NKVD, and concludes with some basic facts of Soviet legal procedure. Formal division into introduction, parts, chapters, etc., is almost entirely the work of the editor.

Pages 1 through 33

COMPLETE TRANSLATION

NKVD OPERATIONAL METHODS

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A. Espionage Versus Counterespionage

An intelligence agent must bear in mind that he will be able to carry out his assignment only if he remains at liberty, is unhampered in his activities, and may travel unhindered whenever necessary. Also, if the intelligence agent does not fully realize the circumstances in which he will be working, he will not suspect those factors which may bring about his arrest.

In the USSR, as in any other country, there exists a special organization, the function of which is to combat the espionage of foreign countries, to expose those groups which have been sent to the Soviet Union by the intelligence agencies of other governments for espionage purposes. This function is known as counterespionage.

In the Soviet Union, the functions of the counterespionage organization involve a network of city and regional departments of the NKVD, where the espionage agent works in [civil] territories, and a series of special departments of the NKVD (army, division or brigade), where the espionage agent works in the front lines.

The problem of the future espionage agent is to study the structure and methods of the Soviet counterespionage organizations in both civil territories and the front lines and to acquaint himself with their operational centers and probable net locations in order to be able to identify and avoid them.

B. NKVD, Offshoot of Bolshevism

Before presenting the basic course contained in the present series of lectures which is of interest to the espionage agent, I pause for some historic information. The Cheka, later to become the OGPU and then the NKVD, was a terrorist organization, an agent of Jewish Bolshevism which gained power over the Russian people by fraudulent means. The national economy, disorganized due to a long war, caused the people to rebel against the czar, as evidenced by mass desertions in the army.

Once in power, the Bolsheviks' fundamental problem was to stay there. The people, convinced that they had been deceived, began to express dissatisfaction by organizing armed revolts in the Ukraine and Caucasus, in Siberia, White Russia, etc. As a preventive measure, the Bolsheviks organized a commission with extraordinary power, a commission which could sentence a man to be shot. Thus its name, "Extraordinary Commission." (TN: In Russian, "Cheka.") The Bolsheviks were able to strengthen their power for a time, drowning the Russian people's will for freedom in a sea of blood and overcoming them with fear of the extraordinary Commission.

Thereafter, this Jewish power began to institute various socialistic measures, such as five-year plans, government farms, etc., in order to enslave the people and exploit the national wealth. Naturally, these measures provoked a new wave of violent hatred toward Bolshevism and resulted in new mass suppression. In all the Soviet newspapers the Bolsheviks cried: "To the white terror, we answer with the red terror!" The sword of proletarian "justice" on the official emblem of the Extraordinary Commission touched millions of people in the years 1937 and 1938. And it is known to each of us that there was no home or farm where "enemies of the people" were not discovered and arrested by organizations of the NKVD.

These organs initiated public trials--the mythical Coal-Miner Affair, Industrial-Party Affair, Rightist-Trotsky Bloc, etc.--to intimidate the people and stifle every attempt to express discontent. Besides the violent coercion of the population, however, other duties were allotted to the Extraordinary Commission, and, in consequence, it was reorganized into the OGPU, and then into the NKVD. Among these additional duties was that of counterespionage.

Part 1. ORGANIZATIONAL STRUCTURE OF THE NKVD

The main lower operational units in the system of territorial organs of NKVD are the regional (RAYONNYY) departments of the NKVD in regional centers and the city departments of the NKVD in cities. The main lower operational units of Red Army organs of the NKVD are a series of special departments (divisional and brigade) which fulfill all the functions of punitive and counterespionage as do organs inside the country.

The principles and operational methods of these territorial and military organs of the NKVD are the same and are based on the work of undercover informative units organized in residencies (RESIDENTURA). Their functions are the same, and they are distinguished from each other only by their organizational structure and sphere of activity. Hence, their designations, "territorial organs" fulfilling the requirements of the civil territories of the country and Red Army "special departments" functioning in railways, etc. Needless to say, the espionage agent must be cognizant of both, since both will be active in the sphere of his own activities. The organizational structure of these organs follows in greater detail.

I. TERRITORIAL ORGANS

A. Oblast Administration

At the head of the operational-agency (AGENTURNO OPERATIVNAYA) work and other activities of the regional and city departments of the NKVD is the NKVD oblast administration, with a staff of up to 50 people. All regional- and city-department reports on the progress of operations and the condition of agency projects go to the oblast administration, which issues the instructions. Chief of an NKVD oblast administration is a senior

--both with the rank of senior lieutenant or captain of State Security. Differing from the city-regional departments, the oblast administration is divided into the following:

1. First Special Department

This department keeps a record of the NKVD operations, and card files of people who have been investigated by the various agencies and of the agencies and their agents.

2. Operational Department

This department makes all kinds of arrangements and arrests as directed by other oblast-administration departments and is responsible for special liaison (courier service) and public surveillance.

3. Secret-Political Department (SPO)

This department makes a study of the counterrevolutionary element working against the government.

4. Counterespionage Department (KRO)

This department is in charge of coping with espionage (in wartime, conducting espionage activities behind the front lines, dispatching partisans, diversionists [sic], etc.).

5. Economic Department (EKO)

This department supplies the agencies with the oblast's industrial and rural economic statistics.

6. Inquiry Department

This department investigates people arrested by the oblast administration of the NKVD.

7. Administrative and Supply Departments

This block of departments fills the requirements of all the other departments in those capacities indicated by the title.

The first six departments listed above are under the direction of the chief's first assistant, while the block of administrative and supply departments is under that of the second.

The distinguishing insignia of the various officials of State Security follows:

*Investigation
Section* }

Junior Lieutenant	3 squares
Lieutenant	1 rectangle
Senior Lieutenant	2 rectangles
Captain	3 rectangles
Major	1 diamond
Senior Major	2 diamonds
Commissar, 3d Rank	3 diamonds
Commissar, 2d Rank	4 diamonds
Commissar, 1st Rank	4 diamonds and 1 star
General Commissar	Angular collar tab and 1 star

The official uniform is analogous to that of Red Army officer personnel, with a few exceptions. The cap is light blue with a crimson border. The emblem is a sleeve patch (worn on both sleeves above the elbow) on which is pictured an oval laurel wreath with a hammer and sickle in the center and "the sword of proletariat justice" running the length of the oval. The collar tabs are crimson with rose edging, and the distinguishing letters are "RKKA" (EdN: indicating Workers' and Peasants' Red Army).

B. Regional Department

This department has a staff of 14 to 16 people: its officials and their functional duties follow:

1. Chief of Regional Department of the NKVD

A junior lieutenant of State Security, he handles the general administration.

2. Vice Chief of the Regional Department of the NKVD

This office is a function of large regions (RAYONS) and calls for a sergeant or junior lieutenant of State Security to process documents and direct the activities of the deputies (UPOLNOMUCHENNY).

3. Senior Deputy of the Regional Department of the NKVD

A sergeant or junior lieutenant of State Security, this official does liaison work between the department and higher organizations, and counterespionage work, as well as working with the control agencies (AGENTURA).

4. Deputy of the Regional Department of the NKVD

A sergeant or junior lieutenant of State Security, this official works with the informational-agency network and is responsible for a series of villages. The number of deputies depends upon the size of the region.

C. City Department

This-type department carries on the same work as the regional-type department, but in the area of a city and its suburbs. Also analogous is its organizational structure, except for an increased staff of up to 20 people—a vice chief, two senior deputies, and a larger number of deputies being necessary. The staff is divided in the execution of its functions, not according to territory, i.e., villages or city wards, but according to the more operational divisions of industry, political education, anti-Soviet political parties, and activities opposed to the Soviet system.

II. SPECIAL DEPARTMENTS

A. Special Department of the Army

Top administrative organ of the NKVD special-department setup is the Special Department of the Army. Just as the reports of the regional and city departments go to the NKVD oblast administration in the territorial-organization setup, all reports of the special departments of division, brigade, and corps go to the Special Department of the Army, which department directs and checks the daily work of others. It is comparable to the NKVD oblast administration, but its operating staff is larger, numbering 60 people. In this number, however, is included personnel who, in agency activities, serve such army units as the guard mortar regiments, signal regiments, and bridge-construction (sapper) regiments (served by the 3d Division); the military field hospitals; clearing stations, supply stations, army depots, and railway junctions (served by the 5th Division); etc.

1. Officials and Their Functional Duties

a. Chief—a captain of State Security and in charge of general administration.

b. First Vice Chief—a senior lieutenant or captain of State Security and responsible for the operational-agency work of subordinate special departments (infantry divisions, tank brigades, cavalry corps, etc.).

c. Second Vice Chief—directs the investigation of people arrested by the Special Department of the Army and by subordinate special organizations.

2. Divisions

a. 1st Division--serves those staffs and units which go to make up the army and is composed of the chief of the department and two operational deputies.

b. 2d Division--serves as an operating agency for the army air forces and is composed of the chief of the department and a senior deputy.

c. 3d Division--serves as an operating agency for army tank troops and engineer, sapper, chemical and signal units, and is composed of the chief of the department, a senior deputy and a deputy.

d. 4th Division--serves as an operating agency for army infantry units and is composed of the chief of the department, assistant chief, a senior deputy and two deputies.

e. 5th Division--serves as an operating agency for army rear establishments and is composed of the chief of the department, a senior deputy and two deputies.

f. 6th Division--besides counterespionage work, conducts espionage activities beyond the front lines and is composed of the chief of the department, an assistant and three senior deputies.

g. Inquiry Section--investigates people arrested by operational departments of the Special Department of the Army and is composed of two senior examiners and six examiners.

h. Secretariat--handles correspondence, records the operational-agency work of the Special Department of the Army, encodes operational documents, keeps the personnel records of the operational staff, and handles supplies and accounts. It is divided into a cryptographic bureau, an operational-records group, and a financial section of two people each, and the commandant's office, which is composed of the commandant and his assistant, a department of special missions which executes the death sentences, and the company EdN: used here as an army unit of the Special Department of the Army. At the head of these divisions is the Chief of Secretariat, an educated operational worker.

B. Special Department of the Division

Personnel and functions of the operational staff of 14-16 people follow:

1. Chief

A junior or senior lieutenant of State Security, this official is in charge of the division or brigade special department.

2. Vice Chief

A junior lieutenant or a lieutenant of State Security, this official handles the operational processing of documents, directs the operational-agency service of rear divisions and brigades, and is in charge of investigations.

3. Senior Deputy

A sergeant or junior lieutenant of State Security, this official (working within the organization [APPARAT]) provides information and conducts counterespionage activities.

4. Examiner

A sergeant or junior lieutenant, this official conducts inquiries.

5. Senior Regimental Deputies

Four sergeants or junior lieutenants of State Security, these officials are responsible for carrying out lower operational-agency work in the regiments.

6. Deputies

Six sergeants of State Security (rank not a requisite), these officials serve rear divisions and brigades, four of them under the senior regimental agent, and the other two under the vice chief.

The staff of the special department of the division (brigade) also includes a commandant's office and a platoon which fulfills special functions (messenger service, bodyguard service, executing death sentences, etc.).

The uniform of members of the special departments is different from that of the operational personnel of territorial organizations in that, for purposes of secrecy, it is the general military uniform with no exceptions. In the divisions of the Special Department of the Army, the uniform of operational personnel conforms to that of the officer personnel of the army units which they serve. Accordingly, a deputy of the 3d Division wears the uniform of an officer of the tank troops, an operational worker of the 2d Division dresses like a member of the air force, an operational worker of the 4th Division wears the general military [infantry] uniform, etc. Such conformity of dress is necessary, since approximately 50 percent of the unit personnel is acquainted with each operational worker, and the secrecy of his work must be maintained.

Presented above is the organizational structure of only the operational departments of organs of the Administration of State Security of NKVD and of the special departments, because it is these departments which conduct counterespionage activities at

home and espionage activities abroad, and expose those people within the country who express dissatisfaction with the Soviet system.

Part 2. OPERATION OF THE NKVD

The work of the territorial and special departments of NKVD is based on the work of undercover informational-agency units and on an operational-agency net of gigantic size. In an infantry division of 12,000 men, 600-650 work as agents and informers in the secret service of special-department organs, organized by companies into departmental groups (residencies). In a village of 300 houses, there are 30-40 people enrolled in the secret work of the NKVD organs, organized on a village basis into a general group (residency). All such people engaged in the NKVD undercover work (both territorial and special-departmental) are divided into various categories and utilized in different fields. There is no previously stipulated remuneration for such work; but, for each act of a personal order, there is provision for double remuneration out of the sum designated for special expenses. This happens, however, only when the information submitted or the work performed is deemed worthwhile.

I. INFORMATIONAL-AGENCY NET

The informational-agency net is fundamentally classified into three categories, employing (1) the informer (OSVEDOCHITEL), (2) the agent; and (3) the resident (REZIDENT).

A. Informer

The informer is an undercover worker for the NKVD organs who is not concerned with responsible tasks, i.e., the study of particular individuals, either at the time of his recruitment or in his daily work. He is recruited from that part of the population considered patriotic and is called a patriotic agent. Despite the trust placed in him, however, such an informer frequently acts as does the majority of the population of the Soviet Union, whose patriotism does not come up to the hopes of the authorities.

As an example of such "patriotism," the following facts are presented. From the file company of one of the Red Army regiments, 17 soldiers went over to the side of the German troops. It was shown in a subsequent investigation that five of these Red Army soldiers were classified as patriotic information agents of the NKVD informational organs. Analogous instances occur on a mass scale.

Depending upon the field in which they work and upon the range of their work, these informers are classified as:

1. Informer

This general-type informer notes and informs the NKVD

organs of the conversations and actions going on within the circle of his acquaintances. He forms the basic part of the secret network of the second [sic] department of the NKVD oblast administration and is used to discover political suspects and people carrying on anti-Soviet activities. In so doing, he throws light on the political wellbeing of the Soviet Union's populace, which is the concern of the secret-political department. In the army, he also works in the secret-political field, studying the personnel of the subdivision in which he finds himself. Recruited from trustworthy people, he constitutes the basis for the whole agency network.

2. Living-Quarters Informer

This-type informer observes what a person does in his own home, who visits that person, the purpose of the visits, etc., and so supplies the NKVD organs with information necessary for them to know what goes on in the dwelling of a person in whom they are interested. Such informers are recruited from around objectives (vulnerable to sabotage, etc.) of possible interest to espionage agents of other governments and from the people living at objectives in which the NKVD organs are interested.

3. Antisabotage (PROCTIVODIVRSICHNOYE) Informer

By exposing suspicious people, this type informer serves to anticipate and prevent sabotage. In the event of discovering an act of sabotage actually being committed, he must combat it physically. Naturally, such informers are recruited from people who have been proved trustworthy (members of and candidates for the Communist Party and members of the Young Communists' League). They are usually recruited at the objectives liable to sabotage (ammunition dumps, power stations, water mains, oil lines, heavy industrial centers, etc.).

4. Neighborhood (PC OKRUGNIYU) Informer

The neighborhood informer notifies the NKVD organs of the personal contacts which military personnel make with the local populace, exposing the character and degree of such ties. He is recruited on the same basis as the living-quarters informer --from houses frequented by military personnel, or from among the people connected with military personnel.

5. Criminal Informer

This informer operates in the network of militia organs and brings to light information on questions within the jurisdiction of the militia.

6. Control Informer

The control informer supervises the activities of the other informational organs. He may be an informer of the secret-political department, a living-quarters informer, an antisabotage

the date of the information or otherwise, an operational worker
is recruited from members of the Communist Party, and the Soviet
Communist League, because both were made of (unlike Japan) not

B. Agent is an undercover worker for the NKVD organs who
is entrusted with such responsible tasks as discovering and in-

vestigating people who are connected with political parties
working against the Soviet power (counterrevolutionary organi-
zations), conducting sabotage or terroristic acts, collecting in-
formation indicative of espionage, etc. The agent is a trained,
literate intelligence agent constituting the basis of the NKVD
organs' informational agency network. He is recruited from
various circles, not only from patriotically inclined people,
but even from people conducting anti-Soviet activities, i.e.,
people being investigated by the NKVD organs.

It is understandable that a patriotically inclined person
should work in the NKVD organs, since the work would correspond
to his way of thinking (anti-counterrevolutionary). But how
are people dissatisfied with Soviet politics forced to work for
the NKVD organs, to report to the organs on people like them-
selves? For, if they were not forced, they would not enlist;
or, once consenting, would not actually work.

If an operational worker finds occasion for such recruit-
ment, he has a detailed study made of the potential recruit, his
character, and the existence of any compromising material. Then,
by means of secret survey (summoning to the operational depart-
ment without previous notification, so that no one else will
know of it), the person designated for recruitment is delivered
to the NKVD department and presented with previously prepared
documents for arrest, after which he is told: "Either you're
with us, or against us!" This is called special (TSELEVAYA) *targeted*
recruitment. *or forced*

As an example of such special recruitment, I present the
following. Citizen Ivanov, shift foreman of a manufacturing
concern, served in the White Army in 1917-1918 as a lieutenant.
The NKVD organs had at their disposal incriminating documents
to the effect that he had conversationally expressed dissatis-
faction with the Soviet power. His comrades Pavlov and Grigor-
yev, also former officers, had expressed discontent even more
sharply, and the NKVD intended to begin investigating these
latter. However, they had shared their views with no one but
Ivanov. According to Soviet law, Ivanov and his friends were
subject to "repression." However, the remotest connections
of these people interested the NKVD, and the operational worker
took the following action.

When Ivanov was returning home from work, a person in
civilian dress stopped him and compared him with a photograph.

Convinced that it was Ivanov, the operational worker suggested that he get into an automobile which had approached, and, in such a manner, Ivanov was taken to the NKVD oblast administration (secret seizure). There they produced accusations of counterrevolutionary activity on the confirmation of which they could imprison him and presented Ivanov with an order for arrest. When he realized the situation, they said to him: "You are not entirely lost; you may right yourself with the Soviet authority; and the means of releasing yourself from arrest is this--work for us." When Ivanov consented, they put him to work on his own associates.

An informer who, as a result of his own undercover work, comes upon a person of interest to the NKVD organs is assigned to work on that person, and so becomes an agent. Thus, it is apparent that agents develop from informers and are reinforced by special recruits. And, as in the case of informers, agents are classified according to their fields of work.

1. Secret-Political-Department Agent

This-type agent fulfills the same functions as the informer, but works on a particular person in connection with an NKVD problem. He is considered to be a part of the second department of the NKVD oblast administration, or, in the army, of the special department of the division.

2. Route Agent (MARSHRUTNIK)

This-type agent works along a definite route and is the most educated of the whole network of agents inside the country. Recruited from the personnel of supply organs, CELSU (TN: Russian abbreviation for unidentified organization) inspectors, co-operative workers, journalists, etc., which affords them unobstructed movement from one region to another without suspicion, the route agent is sent to a certain city or village with the assignment of working into the organization existing there. He is a trustworthy person who has proved his devotion to his country.

3. Raiding Agent (RAIDOVNIK)

This agent is sent on "raids"--he settles in a certain village and becomes acquainted with those people through whom he may investigate questions of interest to the NKVD organizations.

4. Neighborhood Agent

This-type agent is a person from the civilian population who works on a military suspect, i.e., an officer of the RKKA. He fulfills the same functions as the neighborhood informer, but with a definite assignment.

5. Control Agent

This agent controls the work of the other agents.

Above are listed those agents in the service of the NKVD organs who work only within the country. Beyond the borders of the Soviet Union are agents with the following classifications:

6. Espionage Agent

Beyond the cordon and the front, such an agent conducts his espionage work, collecting data of a military and political nature. That agent working in another country with which the Soviet Union is at war is called an agent beyond the front (ZAPRONTOVNIK); while that agent working in a country with which the USSR is at peace is called an agent beyond the cordon (ZAKORDOVNIK).

7. Fighting Agent (BOY VIK)

The fighting agent is sent to other countries to perpetrate terroristic acts.

8. Diversionist Agent (DIVERSANT)

This type agent is sent to other countries to conduct various acts of sabotage. For such work beyond the cordon, the recruits (the majority of them volunteers) are party members or candidates, people who have been checked and are prepared to give their life for their work.

C. Resident

The resident is an indispensable cog playing a significant role in the NKVD system of organs. An intermediate step between the operational worker (deputy) and the lower-rank informer, he lightens the work of the operational staff and, in general, makes it possible to handle the network of information, which is colossal in its proportions (approximately 8-9 percent of the USSR population is doing undercover work for the NKVD organs). At the same time, the resident makes it possible to preserve secrecy of work within the limits of a company in the Red Army, a factory, a village, or a territory during a lengthy operation and to keep secret the connection between the informer and the various NKVD organs.

How does he do all this? A deputy of the NKVD's OKR NKO (The OKR may stand for Department of Counterintelligence; however, OKR NKO is used hereafter in preference to the vague, literal translation, "Special Department") who is working in a regiment has information in every infantry section, platoon and company. As pointed out above, the usual number of workers in the undercover units (APPARAT) of an infantry division is 600-650, and the deputy must meet each informer three or four times each month. He cannot do this in person, since his visiting the same person repeatedly would reveal his connection. For this reason, the agent enlists a special undercover worker (resident) in the company through whom all information is transmitted. The group which is composed of these residents is

called a residency.

NOTES: (i) Information is transmitted to the resident, who is in personal contact with the deputy.

(ii) The informer knows only his own resident: he does not know the other informers with whom his resident has connections.

In the Red Army, informers are connected with company residents and, in territories, with village residents.

The residents, like informers and agents, are classified according to the sphere of their work:

1. Active Resident

This resident is in contact with subordinate informers, with whom he works.

2. Reserve Resident

This resident does not have connections with subordinate informers, but is sufficiently prepared to work with them. In case an active resident is removed, his affairs are taken over by a reserve resident.

3. Resident Beyond the Front

This resident is the senior of a group of espionage agents working in foreign territory.

4. Resident Beyond the Cordon

This resident fulfills the same functions as the resident beyond the front, but in peacetime.

Residents working beyond the front line and cordon receive intelligence information from espionage agents and transmit it by such means of communication as they have to the staff which assigned them to duty. The espionage agents of such a residency work at isolated points from one another.

D. Counterespionage

The peculiarity of the organizational structure and of the methods of work of NKVD organs and their undercover agent-informer units is that there is practically no sharp line between the functions of operational departments working within the country and those of the counterespionage department. An agent of the secret-political department may be transferred to a counterespionage organ so quietly that the agent and the informer may be unaware of it. However, when some worker of an undercover agent-informer unit gets a chance to present material of a counter-espionage nature, he is already serving in this field. From this it may be concluded that the manifold network of agencies doing

undercover work for the NKVD organs is directed to expose espionage agents of other countries as well as to fulfill the assignments connected with the agencies' own wide range of work, e.g., as antisabotage informers, living-quarters informers, etc. Along with their other duties, they are used in counter-espionage.

As an example of the transfer of a living-quarters informer to counterespionage work, I present the following. An operational worker of the secret-political department assigned to living-quarters informer Alexandrov the task of observing who went to the apartment of his neighbor Ivanov, when, and what was done there. By coincidence, an espionage agent chose as a base of activities that house where Alexandrov worked, thus coming into the sphere of the latter's observations. The espionage agent disguised his activities so carelessly that he aroused the suspicions of Alexandrov, and the latter reported on his observations at the regular meeting with his deputy and was assigned the task of observing the espionage agent from then on. Such information is reported to the counterespionage department by the operational worker, in whose hands is placed the future use of such an informer as Alexandrov, now serving in the field of counterespionage.

In conjunction with this, all measures are taken by the counterespionage department to expose the espionage agent conclusively. When the espionage agent's base of activities no longer hides his activities, it becomes the core around which the NKVD counterespionage organs begin their work. The espionage agent is closely observed, not only by the informer who discovered him, but by still another agency, which is assigned the task of observing his actions. If he is often absent from the house, and the counterespionage organization is convinced that this is significant, he will be followed in order to discover where he goes and what his connections are. Such trailing is accomplished by workers of the NKVD oblast administration's operational department and is called external observation.

In such a manner and if not outwitted by the espionage agent, the counterespionage department is able to use these operational-agency measures to study the espionage agent's activities. For investigating suspicious people, however, the counterespionage organization's fundamental method is in the use of the agent-informer net as previously described. The operational principles in surrounding the espionage agent by agencies are partially explained by the agency classifications, and more concerning this will be given in the section, "Recording of Information." Now, however, let us take up the subject of external observation.

II. OPERATIONAL-AGENCY NET

A. External Observation

In the course of agency investigation, the NKVD organs are able to stage several episodes which may be used as evidence with which to convict an espionage agent of a crime, of an action culpable with regards to the Soviet structure. We shall analyze in a given case the series of culpable actions of the espionage agent in order that we may analyze the activity of the counterespionage organs.

As you know, the agency may inform the operational worker of what the person suspected of espionage does within the agency's sphere, the counterespionage agent in this case representing a connection of the espionage agent. If, however, the espionage agent goes beyond this sphere of agency observation, there will be periods of time unaccounted for and necessitating that he be trailed and observed in another sphere. In this case, the NKVD organs assign an undercover operational worker to follow the espionage agent wherever he goes and observe in what circles he moves and what he does.

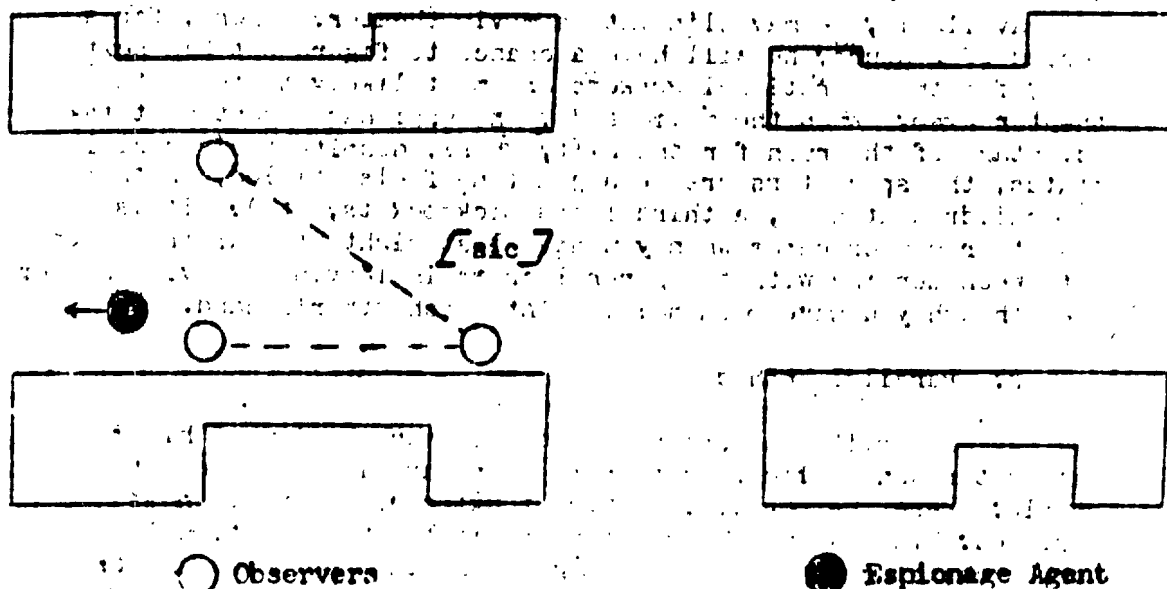
Such observation has inherent shortcomings, however. In the first place, it is conducted only externally. The operational worker following the espionage agent can only see where and by what route the latter goes. Should this latter enter a house, the operational worker cannot find out what goes on inside and will submit a report approximately as follows: "23 Sept 1942-- at 1200, on Vorovsky Street, the subject entered the front of house number 23, spent 35 minutes there, came out with some civilian, and returned to the house where he lives....." The conversation between subject and civilian remains unknown. Hence the name "external observation." In the second place, the espionage agent may easily discover that he is being trailed. Both of these shortcomings, however, are met by an elaborate and detailed study of the subject under observation and by a well-worked-out system of conducting external observation.

If the operational worker follows the subject for five or six blocks in one direction along a city street, or around three or four turns in the street, the subject is likely to notice and make every effort to throw his trailer off, i.e., going away from or past that point to which he intended to go (an operating point, such as the residence of an accomplice, the espionage objective, etc.). If, however, the espionage agent is followed by several operational workers, his suspicion is less likely to be aroused, since, no matter how far he is followed, the followers will change. Thus, a frequent substitution of workers is advisable in conducting external observation and necessitates the NKVD organs arranging a shift of these "companions." Two methods are followed:

1. Fork Method

The fork method of conducting external observation is employed in populated localities when the espionage agent is moving along his own planned route. Three operational workers observe him simultaneously: the first places himself to the right of the espionage agent, and approximately 5-10 meters to the rear; the second is to the left of the espionage agent at

a distance of 15 meters (he may take his position on the other side of the street); and the third is about 15-20 meters behind the man being trailed. In this order, they move along behind the espionage agent.



If the espionage agent turns his head to the left or right, he will not see any of the workers following behind. If he happens to turn his body so as to see one of the workers, there is the possibility that he may remember; therefore, that operational worker who has been seen discontinues the observation with the first turn in the street, and the one following behind takes his place. Should the espionage agent turn so as to see the worker on the other side, an analogous situation is created; but the fork method permits of following for five to six blocks, or for three to four turns.

If, however, the espionage agent's route is longer, or involves more turns, or if he should turn for a third time, a light automobile with three more operational workers passes the espionage agent, and, at a convenient place, these workers get out, wait for their quarry, and continue the external observation as a new fork, members of the old fork having dispersed in different directions. Such a change may take place two or three times, and often four; but, if the espionage agent continues his route and there are no more reserve operational workers, the last fork continues the observation to the end.

In spite of these changes, the espionage agent not infrequently succeeds in discovering the fork. The easiest means of doing so is as follows. Suspecting that he is being followed and wanting to verify his suspicions, the espionage agent must change his route to a street with fewer people and where each passer-by will be clearly seen. There he is able to see whether or not a fork is following him. If so, it is necessary to slip away from such external observation.

To do this, the espionage agent must know the locality thoroughly, the streets, public places, where streetcars pass, etc. He may unexpectedly jump into a streetcar and leave the fork on the street; and, after going for two or three blocks, he must transfer to a car going in the opposite direction. Or, discovering that he is being trailed and there being no streetcars available, he may slip into a movie theater. There, for a period of 2 hours, he will have a chance to figure out his next move, for the operational workers are most likely to be in the theater also. When the movie ends, the espionage agent must take advantage of the rush for the exit, where, despite their social status, the spectators create a jam (one feels stifled, another has children at home, a third fears pickpockets, etc). It is easy to remember cases when you have lost sight of your friend or wife when merging with the general crowd in leaving a movie theater, even though you have been holding onto each other's hand.

2. Parallel Method

Observing an espionage agent is much easier if his route passes through public places where there are large crowds of people. Here the parallel method of external observation is employed. This method does not necessitate the operational worker changing while moving along behind the espionage agent. When the latter goes to parks, beaches, skating rinks, railway stations, or aboard trains, etc, the operational worker may easily merge with the crowd, and the person being trailed is frequently unable to verify the fact.

In order to understand the technique used when the parallel method is employed, I give you a few examples. A certain Konstantin Konstantinovich had to travel from one city to another to attend a counterrevolutionary conference. NKVD organs found out about this through agency investigation and interception of outgoing and incoming correspondence bearing Konstantinovich's name. The day set for the conference was 20 Sep 1942, and Konstantinovich had to leave the evening before. He arrived at the railway station to buy a ticket and was very surprised to learn that they would not sell him one in view of some special order (the operational department had forbidden the sale). A line formed, and Konstantinovich, in distress, became engaged in conversation with the man who stood just behind him, one Ivan Ivanovich, operational worker. In the course of their conversation, the latter said: "I'm not particularly worried, because a relative works in this station, and I always obtain a ticket. However, I don't want to abuse this." It was apparent that a ticket would not be acquired by usual means, so Konstantinovich proposed to Ivanovich that he take advantage of his connections. Ivanovich allowed himself to be persuaded and, producing his identification, acquired a ticket for each of them. Profuse with thanks, Konstantinovich travelled to his destination with the pleasant fellow who had obtained a ticket for him and was under the observation of the latter for the entire trip. Upon their arrival, a group of operational workers were waiting to form the usual fork, and, unwittingly, Konstantinovich led them directly to the conference.

Here is another example of the parallel method of external observation, using the same characters. Konstantin Konstantinovich left on a specific mission, and on skis. Behind him went Ivan Ivanovich, and, when the latter broke a clamp and lost a ski, the former stopped and waited as one fellow traveler would for another. When unfamiliar with the technique of conducting external observation, a Konstantinovich would never suspect a fellow traveler of having planned such a situation. In this very lack of suspicion lies the basic characteristic of the parallel method.

3. How to Counter It

The espionage agent must remember that an external-observation worker desires above all to remain unnoticed. Therefore, once noticing that he is being followed, he must not rush to hide himself. Nothing threatens him, and he must carefully figure out a plan of action and proceed to execute it. As an example, a deputy stopped in perplexity when Konstantinovich, whom he was following, unexpectedly jumped into a streetcar. The latter was tired of being under observation and had decided to show that he was aware of it. The deputy made the big mistake of thoughtlessly running after the streetcar, and Konstantinovich played the following joke. With two jerks of the signal cord he stopped the car and explained to the conductor: "I beg your pardon, but my friend has missed the car." Boarding the streetcar and overhearing, the deputy became flustered. Konstantinovich continued his joke and said: "Don't worry about your ticket. I'll buy one for you." With this, the deputy was completely confounded.

4. Infrequent Use

External observation is used by NKVD organs only in a case where they have reliable knowledge of some reprehensible action and want to add to the information they already have. They may be reasonably sure that a certain person under investigation is an espionage agent, but this is not enough--he may have one or more accomplices. External observation affords a means of exposing these, i.e., Konstantinovich led his followers to the counterrevolutionary conference. However, it is to be concluded that the NKVD organs seldom employ external observation, and then, only in exceptional cases.

This is explained by the following: (1) the staff of external-observation operational workers is found only in the oblast administrations (not counting like workers in the republic and soviet administrations), (2) an external-observation worker trains for 2 years before entering into service, (3) these workers are well paid, and the support of such an organization costs the government a great deal, (4) the external-observation worker is confronted by the basic problem of not letting the object of his observation slip away and, at the

same time, of taking every precaution to keep himself from being noticed, (5) the external-observation worker usually works in some business for legalization purposes, and yet this work must occupy but a minimum of his time, (6) an extensive use of external observation would hinder agency investigation, for once an espionage agent under agency investigation learns that he is being trailed, he takes all measures to hide himself, and (7) with the organization of new (TN: word apparently omitted) and new departments (in addition to active military commands, and reserve units and their commands), trained operational workers are getting scarce.

Also, it is necessary to remember that, with the approach to the front line, the OKR become dominating organs in the regions (RAIONS) and oblasts, while the staff of the oblast administration is evacuated to the rear. And, since the OKR NKV undercover units, no matter what their size, contain no staff of workers for special external observation, it may be concluded that external observation is not used at all for espionage agents in a front-line area.

Finally, you must take into account that a woman, also may be an external-observation worker.

B. Recording of Information

How can the NKVD organs keep under observation the huge population of the Soviet Union? How do they assign an agency to investigate a particular individual manifesting counterrevolutionary activities? For how long and to what extent do they investigate an individual? How do they classify the information gathered? And, finally, how do they judge a group whose activities are opposed to the Soviet system? Answers to all these questions may be found in the organization of operational work and in the systematizing and subsequent developing of certain operational undertakings. Part of the operational-agency work has already been described, i.e., residencies which aid the NKVD organs to control and preserve the secrecy of the informational-agency network, and external observation which supplements the informational-agency data.

In addition, the operational-agency system involves: (1) exposing any kind of anti-Soviet activity on the part of an individual or a group, (2) surrounding that individual or group with an agency for detailed and thorough investigation, (3) systematizing and putting into legal form the incriminating information obtained and entering the incriminated persons in the operational record, (4) arresting the persons being processed upon the completion of the investigation, (5) carrying out the inquiry (SLEDSTVIYE) in the matter of the persons arrested, and (6) putting the inquiry results into legal form and turning the defendant over to the court. All this is the responsibility of the operational worker, and, following the procedure outlined by the above steps, he conducts several investigations (KAZHDAE PO) at once.

Proceeding from the above, we have to determine: (1) how the initial information originates, (2) how a new agency is assigned to an investigation, (3) what an operational record is, for whom it is opened, and what aspects it has, (4) what the procedure and formalities are for an arrest, (5) what an inquiry is and what its characteristics are, (6) what court jurisdictions are involved and what their characteristics are, and (7) what the basic principles of Soviet law are.

Let us begin with an exposition of the first four points. The entire informational network is directed at exposing people dissatisfied with the Soviet regime and is at work in each link of the national economy, in each unit of the Red Army. The informer may report through his resident that a worker in the factory where he is employed, a Red Army soldier of the unit in which he serves, or his neighbor is engaging in anti-Soviet activity. Quite frequently such initial reports, although affording incriminating information, provide no tangible evidence against the person involved. Hence, to further the investigation, the operational agent must know all about the suspect (all the pertinent facts), and, under his direction, the operational department of the oblast administration determines these necessary facts by means of its own workers.

"Establishment [of facts]" (USTANOVKA) is the name given to collecting information pertinent to an inquiry by questioning the suspect himself, his neighbors, fellow workers, etc. The operational worker in charge of this establishment of facts, provided with identification substantiating his role and wearing a militia uniform, a fireman's outfit, or civilian garb, enters the suspect's house under the pretext of checking the entries in the domestic log books, inspecting the furnace, or checking on sanitation. He then collects the data he needs and has the suspect's activities subjected to thorough investigation.

As noted in the organizational structure of NKVD organs, the first special department of the oblast administration keeps a special card index file made up of questionnaire cards on which are entered the data obtained by the agency network. On the back of a card is listed an agent's contacts, e.g., his acquaintances. Let us say that it has become necessary to investigate Ivanov, who is carrying on anti-Soviet activities. The card file is checked and shows that Ivanov is well known to the agents Sidorov, Petrov and Alexandrov; it also shows to what operational worker these agents are attached. It is an easy matter then to pass the information on to the operational agent, who, in turn, contacts the agents and assigns them to a detailed investigation of Ivanov. This card file, with its record of an agency and its contacts, is called a centralized [card file]. In addition, a new agency may be assigned to Ivanov through an operation called special recruitment (e.g., a new agency consisting of personal friends turned traitor—see page 12).

The information submitted by the agents Sidorov, Petrov and Alexandrov is systematized and filed under separate headings as accumulated. If Ivanov's anti-Soviet activities are comprehen-

ively described, he is entered in the operational record. All available information is studied and summarized, and an order is issued in which the operational worker expresses his opinion as to the necessity of proceeding with the investigation (RAZRABOTKA). This pertinent order and all the data is recorded by the first special department of the oblast administration. A form is filled out with an account of Ivanov's offenses, and the data is entered in the card file of operational records.

Such a card file is necessary in order to avoid duplication of work, to avoid the possibility of several workers subjecting the same person to agency investigation. For example, an employee of one of the people's commissariats complained about his lack of money while in conversation with friends. "To hell with it!" he said, "I have some very secret data in my desk I'd sell to any intelligence group for a few thousand rubles." Having said this, he forgot all about the episode. One of the friends, however, happened to be an NKVD agent and reported the incident at the next interview with his operational worker.

The latter devised a plan in accordance with which the agent, upon next meeting his friend, said: "The other day you said you might sell a certain secret. I mentioned this to a friend of mine, and he'd like to buy it." "What are you talking about?" the other replied, "I was only joking!" But the NKVD agent would not let the matter drop, and, when they separated, the employee responsible for the situation went to the NKVD office and told of his own joke and of the insistence of his friend.

The NKVD considered the information worthy of attention and made a recruit of the fellow. They gave him the alias, "Alexandrov," and assigned him the duty of selling his material to the interested person through his friend. The agent "Alexandrov" acted strictly in accordance with instructions, made an appointment, and appeared with the material. When he arrived at the appointed place, he was arrested. Discovering that he had been arrested by the NKVD, he exclaimed: "How can I be a spy? I brought this material upon NKVD instructions!" A checkup was made, and, convincing them of the accuracy of his statement, "Alexandrov" was released.

Such duplication in processing occurred because the NKVD organs did not check their own data with that in the centralized card file and the card file of operational records of the oblast administration's first special department.

The whole operational record is divided into three classes of cases: (1) the case for record (UCHETNOYE DELO), set up for an anti-Soviet individual who is considered anti-Soviet by virtue of his political views, but is not participating in any overt activities, (2) the case for formal record (DELO-FORMALYAR), set up for an individual who carries on anti-Soviet activities, but operates alone, and (3) the agency case (AGENTURNOYE DELO), set up for a group of people who jointly carry on anti-Soviet activities.

A case for operational record is fundamentally based on data collected by agency, but may also be founded on other material (testimony of witnesses, statements, reports of experts, etc.). The person undergoing operational recording process is surrounded by agency operators on three sides: in his place of work (institution, business, or military unit); in the neighborhood (among his acquaintances), and at his residence. The informational network, working on a case of operational record, is dependent on the personal connections of the operational worker. And, along with the agency investigation in a case of operational record, the operational worker conducts secret documentation (secret inquiry).

Secret documentation is the collection of data through the examination of witnesses, the acquisition of documents, the conducting of various kinds of investigation by experts, and the reviewing of agency data which bears on the case of operational record. Since this process of collecting data is kept secret from the person being investigated, it is called secret documentation.

Upon the completion of secret documentation and having accumulated sufficient data, the operational worker transcribes the documentation into official form and submits it to the public attorney (PROKUROR) to obtain his approval for the arrest. With the sanction of the public attorney, the data composing the form for arrest is handed over to the oblast administration's operational department, which carries out the actual arrest.

C. The Arrest

If the arrest is effected in the offender's lodgings, the operational worker must search both the offender's lodgings and person to obtain any additional data or material evidence. If, however, the offender is not found in his lodgings, the operational workers lie in ambush near the place until the former appears. It must also be noted that, until they call off their ambush, the arresting agents allow anyone to enter the house, but no one to leave. This is to prevent anyone leaving the house from passing the word to the person subject to arrest.

Other elements of operational-agency work are of exceptional importance to the intelligence agent, and we shall afford them individual treatment.

III. BASIC FACTS OF SOVIET LEGAL PROCEDURE

Each of you knows that the policy of the Soviet Union has always been to enslave the Russian people to a greater degree, to make them work exclusively for the benefit of the small group of Jews and Bolsheviks in power. You also know that the legislation is devised by this governing group to protect its own interests. Thus, it is perfectly clear that the Soviet legal system, like a faithful dog, protects only the Jew-Bolsheviks.

The laws of the Soviet Union provide for a criminal code divided into three sections: (1) the criminal section (UGOLOVAYA CHAST'), involving crimes committed by one citizen against another, violations of social rules, and civil suits, (2) the counterrevolutionary section, a special division of the criminal code applying to crimes committed by the citizen against his fatherland, and (3) the military section, involving crimes committed only by military personnel. In accordance with this, the criminal code is a book divided into the above categories which provide for possible violations designated by the specific sections for the institution of charges. Since the Soviet legal system is based on the criminal code of the the Russian Socialist Federated Soviet Republic and since the definition of what constitutes a crime against the government and against armed-guard personnel is characteristic of every country's legal system, let us now undertake an analysis of the RSFSR criminal code's counterrevolutionary and military crimes.

A. Crime and Punishment

1. Counterrevolutionary

All the varieties of crimes committed against the government are provided for in the criminal code under article 58. They include treason, espionage, economic sabotage, terroristic and diversionist activities, anti-Soviet agitation, participation in counterrevolutionary organizations, etc. If all of these are counterrevolutionary crimes according to article 58, how is a distinction made between them? Article 58 is divided into 14 sections marked by code numbers 1-14 specifying the class of counterrevolutionary crime, e.g.:

- Article 58-1: treason.
- 58-2: armed insurrection against the Soviet Government.
- 58-6: engaging in espionage for the benefit of another country.
- 58-7: engaging in economic sabotage.
- 58-8: engaging in terroristic activities.
- 58-10: engaging in anti-Soviet agitation.
- 58-11: membership in a counterrevolutionary organization.

For such crimes, the Soviet law tries to impose as severe a punishment as possible on military personnel. For this purpose, there is need for a supplementary indication of the type of offender. To the above is added a letter, e.g.:

- Article 58-1, p-a: treason (committed by a civilian).
- 58-1, p-b: treason (committed by some one in military service).

(IN: The letter "p" above presumably stands for criminal (PRES-TUPNIK).

After the provisions of each article, the measures of punishment are set forth. With the exception of article 58-2 (armed insurrection against the Soviet system), every counterrevolutionary crime is punishable by confinement to correction-

al labor camps for 10 years, and, in especially serious cases, death by shooting is the penalty. This latter is the only penalty provided for by article 58-2.

Quite frequently a Soviet court trying a case in which some person is charged with anti-Soviet activity does not find "especially aggravating circumstances," but, nevertheless, condemns the defendant to the supreme penalty of death by shooting. How does the Soviet court justify this action before the law? It is precisely for this that article 58-2, which calls only for the death penalty, exists. In a decision rendered in the case of a person charged with anti-Soviet agitation, in which "especially aggravating circumstances" were not indicated, [the following appeared:] "In the name of the Union of Soviet Socialist Republics, the special panel (KOLLEGIYA) of the oblast court has considered on this day the case wherein Ivanov---all the established data is specified---"is charged with crimes covered by article 58-10, section I, and has ascertained:"---here is stated the nature of the charges. "We sentence the defendant Ivanov, Ivan Ivanovich, for the commission of a crime under article 58-10, section I, with the penal sanctions of article 58-2, to the supreme criminal penalty, death by shooting, with confiscation of all the personal property belonging to the defendant. This sentence is not subject to appeal." It is evident from this that, should the penalties for the article under which one is charged not include that of death by shooting, the court may conveniently avail itself of the services of article 58-2.

As mentioned above, engaging in intelligence work [for a foreign power] (espionage) comes under article 58-6. In time of war, however, this article is not invoked, since engaging in intelligence work is considered treason at the present time. Charges are consequently brought under article 58-2. Article 58-6 is not excluded from the criminal code and is invoked in the case of foreigners who have committed crimes covered by this article.

2. Military

Military crimes are subject matter for the third part of the criminal code and are covered by article 193 of the RSFSR's criminal code which, in such cases, has been taken as the source for legal structure and transferred to the criminal codes of other republics in corresponding articles. Just as article 58 has 14 code numbers, article 193 has 26, covering crimes which only military personnel can commit and specifically classifying these crimes, e.g.:

Article 193-7: deserting

193-10: evading military service,

193-14: marauding/(MARODERSTVO), defined in War Dept TM 30-544 as "larceny committed on the battlefield by taking property from the killed or wounded",

In case the same person commits a number of crimes, all of the articles are invoked against him, and the sentence is determined by that article calling for the most severe penalty. For example, as a member of a counterrevolutionary organization, Ivanov has engaged in anti-Soviet agitation and committed a diversional act. At the investigation, they prefer against him the charges provided for by articles 58-7, 58-10 and 58-11. He will be tried under article 58-7 for the commission of a diversional act. However, it will be counted against him that he was also engaging in anti-Soviet agitation and was a member of a counterrevolutionary organization.

In case an individual has committed a crime not provided for in the articles of the criminal code, charges are brought against him according to that article dealing with the same class of crime. For example, Ivanov intends to commit treason by going over to the side of the German forces. He has not committed this crime as yet, however; and the criminal code deals only with crimes that have been committed. In such a case, they proceed by analogy. If not arrested, Ivanov would have gone over to the German lines, would have committed the crime of treason. For this reason, they prefer against him those charges under article 16-58, p-b. The code number "16" precedes, indicating that Ivanov has not yet committed treason, but intends to. EDN: Information in preceding subsection 1 leads one to believe that article 58 has but 14 code numbers.

If anyone had assisted Ivanov in his plan, he would also be punished in accordance with the laws of the Soviet Union. The criminal code provides for accomplices also. They would bring against him charges under the same article as against Ivanov, who would have actually committed the crime. In this case, however, the code number "20" is placed before the article covering the crime, i.e., 20-58-1, p-b.

B. Code of Criminal Procedure

Another part of the Soviet legal structure provided for in the criminal code and not dealing with the classes of crime and degrees of punishment consists of rules for conduct of the arrested, the investigating organs, the courts having jurisdiction and the public attorney, fundamental guardian of this part of the Soviet legal structure. The code of criminal procedure provides for an outline of rules defining the rights of the defendant and the penal organs. The Soviet courts and organs of preliminary inquiry, however, do not always observe them; but, in spite of this, the intelligence agent must know the following rules of procedure:

1. Without the approval of the public attorney, a person is not considered arrested, but merely detained.
2. Keeping under guard in detention is permitted for a period of 48 hours.

4. The organ of inquiry is obliged to present to the defendant the articles of accusation within 14 days.
5. In accordance with the rules of the code of criminal procedure, the organ of inquiry must present the defendant with all the material produced by the investigating organ after the completion of the investigation.
6. The defendant is not required to give testimony concerning the substance of the accusation.
7. The defendant is not liable for making false statements.

The intelligence agent should know the above points for the following reason. If he has not been presented with official papers for a formal arrest within 2 days from the moment of his detention, it is indicated that the organs of inquiry probably do not have sufficient evidence for this purpose, and he should act accordingly. It is recommended that he represent himself as accidentally detained and demand his liberation. Failure to present the articles of accusation within 14 days shows without a doubt that the organs of inquiry do not have sufficient data.

Should the above-mentioned rules of the code of criminal procedure be violated by the organ of inquiry, the defendant may appeal in writing to the public attorney. The public attorney's office is the organ that supervises the correct observance of the rules of procedure. However, in cases of counterrevolutionary crimes prosecuted by NKVD organs of inquiry, supervision and control is conducted by the oblast deputy public attorney in special district cases, and by the military command's military prosecutor in OKR NKO cases.

Actually, the rules of the code of criminal procedure limiting the actions of the organ of inquiry merely provide reservations, for there are articles which permit their circumvention. For instance, it's well known that the organ of inquiry takes considerably more than 2 months to complete the preliminary investigation. And the consequent increase in the period of detention is not in violation of the rules of procedure, for it is legalized by the combination of a whole series of articles contained in the code of criminal procedure.

When the preliminary inquiry has been completed, the case is reviewed by the public attorney and, upon his conclusion as to the criminality involved, is sent to the court of jurisdiction for consideration.

Court Jurisdiction

Just as the punitive organ, the NKVD, underwent changes with the change of policy in the Soviet Union, so did the Soviet

courts. At the beginning of this war, there were 607562000500020002-3 jurisdictions in the Soviet Union, but, at present, they are reduced to a minimum of two divisions: the court trying civil suits and the court trying cases under the special section of the criminal code—counterrevolutionary crimes. This is the [civil] territory setup: in the army, there are only the military tribunals.

Cases of counterrevolutionary crimes are tried by the following special courts:

1. Special Panel of the Oblast Court

This panel examines the inquiry results in the cases of people arrested by the oblast administration.

2. Special Panel of the Court of the Republic

This panel tries (RAZBIRAYET) particularly important cases of people arrested by the oblast administration of the NKVD and all cases of the republic division of the NKVD.

3. Military Panel of the Supreme Court of the USSR

This panel tries cases of counterrevolutionary crimes which are of special importance to the Union (the case of the Rightist-Trotsky Bloc and the Shakhitin case were tried by this court).

4. Military Tribunal of a Division

This tribunal tries cases brought to court by the OKR NKO of the division and, as a body, may try cases of all crimes except treason.

5. Military Tribunal of the Army

This tribunal tries cases of all crimes brought before it by the UOKR NKO of the army and cases of treason brought before it by the OKR of the divisions.

6. Military Tribunal of the Front

The tribunal tries cases brought before it by the UOKR of the front.

7. Special Council Attached to the NKVD of the USSR

This council tries those cases of the NKVD organs which the above courts cannot hear.

The right to confirm a sentence is exercised by the Special Panel of the Court of the Republic and by the Military Tribunal of the Front. Their decisions are confirmed, if required, by the Military Panel of the Supreme Court of the USSR.

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The first six courts are distinguished from the seventh by the fact that the defendant, witnesses and experts are present and participate in the proceedings of a trial. Once a case has gone through the inquiry process, the defendant is not present at a trial conducted by the special council, and the sentence is pronounced in absentia.

There is a stage of preliminary judicial inquiry in all the courts except the last; that is, there is an examination of the defendant and other persons involved as to the substance of the crime. Also, the pleadings of the parties concerned are permitted, i.e., the participation of the state prosecutor and the attorney for the defense. The latter have the right of directing questions to the court and to the defendant in the course of the trial, also of expressing their opinions on the case being tried.

Cases involving certain defendants, the extent of whose crimes it has been impossible to examine fully, or cases where there is not sufficient evidence for an open court hearing, but where the defendant is dangerous to the Soviet system, are sent before the Special Council. To the same court are sent those cases the content of which would divulge the method of work of NKVD organs. For example, an intelligence agent who has gone to a foreign country expresses his willingness to become a double-dealer (DVOYNIK) and work in the intelligence of that foreign country. He has thus committed a crime against the Soviet Union (unless this dual role serves the purposes of NKVD), and his case is sent before the Special Council. Or, the informer Alexandrov has not reported to the NKVD organs the counterrevolutionary activities of which he is cognizant. The case for the indictment of Alexandrov will be referred to the Special Council.

However, a person may be sent to a concentration camp without any court procedure at all, without any reference to the above-enumerated courts. Only the decision of the Special Department [EdN: probably the Special Department of the Army] is necessary for this kind of repression, which is applied to people who appear to be unreliable, but the nature of whose offenses is such that they cannot be subjected to a court trial. The Special Department also has the exceptional authority to order shot those people participating in mass desertion in the Red Army, sabotage and flight from the field of battle in time of war.

D. Preliminary Inquiry

1. Method of Questioning

In the majority of cases, the arrested person realizes what the punishment will be for the crime he has committed before the inquiry begins and, desiring to avoid it, decides not to make any statements: "I'll never tell the truth to the court examiner (SLIDOVATZ) under any circumstances." But, in spite of this firm resolution, he begins to reveal the

that he does himself harm by talking and becomes his own enemy in so doing, but, acting as if he can't help himself, proceeds to break his resolution to remain silent. He justifies himself, saying: "They compelled me to give testimony. They forced me!" Strangely enough, no one has beaten him or physically forced him. He finally concludes: "The examiner hypnotized me!" People think this explains things, but they can't understand, but there is actually no way for hypnosis to be applied in order to extract statements from a defendant. I will understand the method of inquiry. That makes the arrested person talk in spite of himself? It is the method of inquiry.

When the prisoner first appears in the chamber of the examiner, the latter thoroughly studies his conduct and the form and logic of his thinking. Only when the examiner has fully appraised the man before him does he begin the examination. If the first examinations should not provide sufficient evidence for his appraisal, the examiner comes to understand the prisoner at subsequent examinations. All the while, the prisoner is at a loss to understand why the examiner always talks about entirely theoretical subjects.

Having thoroughly studied the personality of the arrested person, the examiner begins to sound out the matter at hand and stops at that psychological moment which he knows will most painfully affect the prisoner. At such a time, the latter gives up his own thinking process and thinks as the examiner wants him to think. A psychological connection has been established between prisoner and investigator through which the thoughts of the former are subordinated to the words of the latter. This contact established, the examiner approaches the subject of investigation so carefully and smoothly that the prisoner, very sensitive and wary to the turn he knows the conversation must finally take, unwittingly begins to expose his crime.

Facing the examining judge is a man who has engaged in anti-Soviet agitation. Having established a contact with him, the investigator will not ask questions provoking a sudden change in the trend of thought, as: "Why did you engage in anti-Soviet agitation? Why did you incite your friends against the Soviet authority?" This would interrupt the contact. The examiner will ask instead: "Did you tell the anti-Soviet anecdotes deliberately or thoughtlessly?" The prisoner will immediately answer: "Thoughtlessly, of course." The examiner continues: "And why did you thoughtlessly tell such stories?" and the prisoner must continue with his awkward answer.

In order to explain more fully the meaning and significance of this contact between prisoner and examiner, I present the following illustrations. If one turns on a radio receiver, but does not tune it to an appropriate wave length, no sound

will be forthcoming. However, as soon as the radio receiver is tuned to a particular frequency, the receiver establishes a contact with the transmitter, and reception results. If, on the other hand, no such contact is made, the receiver will remain silent.

A university student suddenly lost his desire to become a teacher and transferred to the department of physiology of a certain medical institute. After a period of study and vacation, Ivanov called on a girl friend at his former school. Displeased that Ivanov had left, Jean asked: "What do they teach you there?" "To read thoughts at a distance," he replied, not thinking that he would be unable to prove this. Jean vowed that she would test him, and the student Ivanov worried, knowing that he certainly couldn't corroborate what he'd told her.

The next time he returned to his former school, Jean was away, but her girl friend eagerly began to tell him all about Jean's vacation. She had met a young man named Kolya who, though very unattractive, had somehow managed to win her. In confirmation, the friend showed Ivanov a photograph of Kolya.

Jean thought she had kept this affair secret, but when she returned and went with Ivanov to the recreation room, the latter managed their conversation so that he knew Jean must have Nikolay Kolya in mind. He closed his eyes abruptly, stretched his hands in front of him, and, turning away from her, said: "I am now reading your thoughts. You are thinking of the chauffeur, Kolya, whom you left in your native town." Continuing, he told her all that he had learned from her girl friend about Kolya. Jean was skeptical at first, but soon turned away from him in terror.

She had been positive that no one knew anything about Kolya and, convinced of Ivanov's ability to read her thoughts from a distance and terrified of the possibility of further exposures, she ran away from Ivanov. No matter how hard the latter tried to persuade her later that he had no such ability, she remained convinced and avoided him altogether. If, upon hearing the story from her friend, Ivanov had merely demanded an explanation from Jean as to why she had been unfaithful, he would not have obtained her confirmation of the affair under any circumstances. Note that Jean had no intention of telling Ivanov anything; nevertheless, she did so. This came as a result of a contact being established between these two young people. This contact is the primary characteristic of the method of questioning.

The second characteristic is that the examiner, in questioning, takes the offensive. The prisoner tries to protect himself with his answers. In order to express this more clearly, let us call the examiner's question and the prisoner's answer replies. The difference between them lies in the fact that the former uses his initiative and takes the offensive, while the latter is strictly on the defensive. The questioning becomes a duel between the two, a duel in which the prisoner

If the prisoner's answer does not fully satisfy the examiner's question, then, as if it were a rapier stroke, the question will touch the prisoner, and he will lose a point. Naturally the sum total of such blows, even if indirect, will tell on the prisoner, and, in the end, he will probably be defeated.

If the prisoner under examination knows of these two characteristics of the method of questioning, he may avoid their consequences by well-considered moves. He will succeed, however, only if he parries the thrusts of the examiner with attentiveness, daring and well-thought-out answers. One should conclude from this that there must be a general set of rules for the conduct of the person under arrest during the inquiry.

2. Method of Defense

During questioning, the person under arrest should:

- a. Maintain self-control.
- b. Speak with confidence while telling untruths.
- c. Not avoid the examiner's gaze.
- d. Feign extreme indifference and weariness.
- e. Maintain personal dignity at all times.
- f. Answer only the substance of the question asked, bearing in mind the fact that he is on the defensive.
- g. Never believe what the examiner says, no matter how hard he tries to persuade by promising favors and advantages.
- h. With a restraint of indifference and weariness, force the examiner to speak up, to talk. BEAR IN MIND THAT, DURING THE CONVERSATION, THE EXAMINER MUST EXPOSE HIM AND, IN SO DOING, MUST TELL WHAT THE INVESTIGATING ORGAN HAS AGAINST HIM.
- i. Don't overlook or be inattentive to a single question of the examiner; but analyze each, figure out what is behind it, and then answer.
- j. Maintain self-composure and force himself to think with lightning speed.
- k. Always expect a trap in every question asked.
- l. Not allow any unexpected question to confound him (cross examination).
- m. NEVER CHANGE A STATEMENT ONCE IT'S MADE.

I. Material Evidence

A factor not yet dealt with in this lecture is material evidence. Only through the intelligence agent's carelessness, inability to mask himself, or violation of the rules of secrecy may material evidence get into the possession of the examiner. At the time of our arrest, there was discovered on an intelligence agent and seized a radio station /big/, cigarette lighter of German make, cigarette papers acquired on German territory, a piece of a German newspaper, etc. on his clothing, etc. All such objects may be used as material evidence and figure as incontrovertible material for the institution of charges.

in case something is discovered that may be harmful to the State. If there is no such evidence, it is not advisable to disclaim it. The explanation, however, should be plausible (it was found, bought, traded, etc.). Likewise, when planning a role in which you will work on the Soviet side, it is necessary to consider all the circumstances and foresee possible checkups on your statements. For instance, an intelligence agent declared at the time of his arrest that he was a resident of Moscow, naming the street and house number, and that he was serving in a military unit, the 280th KAP (TN: Corps Artillery Regiment), as battery commander. Such testimony may be easily verified. A checkup in Moscow revealed that the intelligence agent did not reside there and that there was no such military unit as the 280th KAP, and both facts became material evidence. IT IS NECESSARY FOR THIS REASON TO PLAN A ROLE (AND STORY) IN SUCH A MANNER THAT IT WILL NOT PROVE INVALID UNDER CHECKUP.

CONCLUSION

Familiarity with the organizational structure and the operational methods of the NKVD organs gives one an idea of this colossal, secret informational-agency apparatus operating within the country and being utilized also for counterespionage purposes. However, as a counterespionage organ, this whole complicated mechanism is set in motion and begins to function ONLY WHEN THE INTELLIGENCE AGENT OPERATES IN FULL VIEW AND WITHOUT DUE PRECAUTION, when his compromising actions make it possible for the NKVD organs to obtain evidence against him.

However, if the intelligence agent will comport himself in accordance with the elementary rules explained in this training course when working within the sphere of NKVD organs, his freedom and the execution of his assignment are assured, for this huge network of counterespionage organs will not be able to discover an intelligence agent who has fused himself with the general mass of people and his surroundings.

THUS, IT IS QUITE OBVIOUS THAT THE INTELLIGENCE AGENT WHO KNOWS THE STRUCTURE AND OPERATION OF NKVD ORGANS MAY EASILY CIRCUMVENT THE TRAPS SET FOR HIM AND COME OUT VICTORIOUS, EVEN IF ARRESTED.

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